IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.R. No.1165 of 2005
Date of Decision:- 28.08.2006

Director Research & Medical
Education, Punjab & ors. ....Petitioners

through
Mr.G.S.Cheema, Sr.DAG, Punjab

vs.

M/s Roy Surgicals ....Respondent

through
Mr.Munish Singal, Advocate

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

This revision petition is directed against the order dated 13.8.2004 passed by the Civil Judge (Sr.Division), Bathinda whereby in a suit for recovery of Rs.11,80,247/- leave to defend has been granted but with a condition that the petitioners shall make payment of one-third of the amount claimed in the suit, within a period of two months, with a further direction to the respondent-plaintiff to furnish security bonds in the Court within 10 days equivalent to the said one-third amount.

It appears that leave to defend has been sought by the petitioners on the ground that the Civil Court at Bathinda has no territorial jurisdiction to entertain the suit and that the claim put-forth by the respondent-plaintiff for payment of interest is ill-founded being based upon interpolated bills.

For the detailed reasons mentioned in my order of even date passed in C.R.No.1164 of 2005, this revision petition is partly allowed to

the extent that instead of payment of one-third of the amount claimed in the suit, the petitioners are directed to give an undertaking in writing along with the written statement that if the plaintiff-respondent's suit is decreed, they shall pay additional interest at such rate as may be admissible in the nationalized banks at the relevant time.

Disposed of.

August 28, 2006 **(SURYA KANT)**
poonam **JUDGE**